

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Kevin A. Deats

Confirmation No.: 4778

Application No.: 09/873,689

Examiner: Gold, Avi

Filing Date: 06-04-01

Group Art Unit: 2157

Title: Method and System for Reporting Event Data to Requesting Subscribers

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 03-30-05.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$120.00
() two months	\$450.00
() three months	\$1020.00
() four months	\$1590.00

() The extension fee has already been filled in this application.

() (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Kevin A. Deats

Serial No.: 09/873,689

Filed: June 4, 2001

Group Art Unit: 2157

Examiner: Gold, Avi

Docket No. 10005683-1

For: **Method and System for Reporting Event Data to Requesting Subscribers**

APPEAL BRIEF UNDER 37 C.F.R. §41.37

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief under 37 C.F.R. § 41.37 is submitted in support of the Notice of Appeal filed March 30, 2005, responding to the final Office Action mailed January 4, 2005.

It is not believed that extensions of time or fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 08-2025.

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no known related appeals or interferences that will affect or be affected by a decision in this Appeal.

III. Status of Claims

Claims 1-3 and 5-20 stand finally rejected. No claims have been allowed. The final rejections of claims 1-3 and 5-20 are appealed.

IV. Status of Amendments

This application was originally filed on June 4, 2001, with seventeen (17) claims. In a Response filed September 24, 2004, Applicant amended claims 1, 2, 5, 6, and 8-17, canceled claim 4, and added new claims 18-20. In a Response filed February 17, 2005, Applicant amended claims 10 and 18.

All of the above-identified amendments have been entered and no other amendments have been made to any of claims 1-3 and 5-20. The claims in the attached Claims Appendix (see below) reflect the present state of those claims.

V. Summary of Claimed Subject Matter

The claimed inventions are summarized below with reference numerals and references to the written description (“specification”) and drawings. All references are shown in the application at least where indicated herein.

Independent claim 1 describes a method for reporting event data to requesting subscribers using a manufacturing repository (Figs. 1 and 3, element 14) for collecting event data that is connected to a subscriber profile system (Fig. 3, element 30) for storing information relating to subscribers and a production system (Fig. 3, element 20) for storing information relating to manufacturing. Page 1, lines 4-10.

The method of claim 1 comprises gathering event data from a plurality of peripheral devices connected to the manufacturing repository, the event data relating to events that have occurred at the peripheral devices. Page 4, lines 21-25, page 6, lines 7-14; page 9, lines 14-16; and Figure 6, element 74.

The method of claim 1 further comprises saving the event data to a database. Page 4, lines 21-25; page 9, lines 14-16; and Figure 6, element 76.

The method of claim 1 further comprises automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles. Page 4, lines 25-26; page 7, lines 21-23; page 9, lines 16-22; and Figure 6, element 86.

The method of claim 1 further comprises selectively generating subscription reports according to criteria indicated by the subscriber profiles. Page 4, line 26 to page 5, line 2; page 8, lines 5-10; page 9, line 23 to page 10, line 17; and Figure 7, elements 104, 110, 112, 118, 120, and 122.

Finally, the method of claim 1 comprises automatically sending subscription reports to designated subscribers according to criteria indicated by the subscriber profiles. Page 8, lines 16-18; page 10, lines 17-19; and Figure 7, element 124.

Independent claim 17 describes a computer program product comprising a computer usable medium having computer readable program codes embodied in the medium. When executed, the computer program product causes a computer to gather event data from a plurality of peripheral devices (Figure 1, elements 12 and 12') connected to a manufacturing repository (Figs. 1 and 3, element 14), the event data relating to events that have occurred at the peripheral devices. Page 4, lines 21-25, page 6, lines 7-14; page 9, lines 14-16; and Figure 6, element 74.

The computer program product of claim 17 further causes a computer to save the event data to a database. Page 4, lines 21-25; page 9, lines 14-16; and Figure 6, element 76.

The computer program product of claim 17 further causes a computer to automatically notify designated subscribers about logged events according to criteria indicated by subscriber profiles. Page 4, lines 25-26; page 7, lines 21-23; page 9, lines 16-22; and Figure 6, element 86.

The computer program product of claim 17 further causes a computer to selectively generate subscription reports according to criteria indicated by the subscriber profiles. Page 4, line 26 to page 5, line 2; page 8, lines 5-10; page 9, line 23 to page 10, line 17; and Figure 7, elements 104, 110, 112, 118, 120, and 122.

Finally, the computer program product of claim 17 causes a computer to automatically send the subscription report to designated subscribers according to criteria indicated by the subscriber profiles. Page 8, lines 16-18; page 10, lines 17-19; and Figure 7, element 124.

VI. Grounds of Rejection to be Reviewed on Appeal

The following grounds of rejection are to be reviewed on appeal:

1. Claims 1 and 17 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Smith, et al. (U.S. Pat. No. 6,785,015).
2. Claims 1-3, 5-12, 17, 18, and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ghannam, et al. ("Ghannam," U.S. Pat. No. 6,651,062) in view of Barrett, et al. ("Barrett," U.S. Pat. No. 5,568,612).
3. Claims 13-16 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ghannam and Barrett in view of Bowman-Amuah (U.S. Pat. No. 6,571,282).

VII. Arguments

The Appellant respectfully submits that Applicant's claims are neither anticipated under 35 U.S.C. § 102 nor obvious under 35 U.S.C. § 103, and respectfully requests that the Board of Patent Appeals overturn the final rejections of claims 1-3 and 5-20 at least for the reasons discussed below.

I. Claim Rejections - 35 U.S.C. § 102(e)

Claims 1 and 17 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Smith, et al. ("Smith," U.S. Pat. No. 6,785,015). Applicant respectfully traverses this rejection.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the Smith reference. Applicant discusses the Smith reference and Applicant's claims in the following.

A. The Smith Disclosure

Smith discloses a system and method for monitoring a computer system process or peripheral. As is described by Smith:

A method for monitoring a computer system peripheral, according to various aspects of the present invention includes sending a first message to the peripheral where the first message includes indicia of

a subscription for a status of the peripheral; and receiving a plurality of publications from the peripheral where each publication includes a respective value of the status.

[Smith, column 2, lines 15- 23]

Accordingly, Smith discloses a peripheral device that receives subscription information from a user, and returns status information to the user in accordance with the subscription information. Notably, Smith does not disclose gathering event data from a plurality of peripheral devices and then notifying subscribers as to logged events concerning the plurality of peripheral devices.

B. Applicant's Claims

1. Claim 1

Applicant's claim 1 provides as follows (emphasis added):

1. A method for reporting event data to requesting subscribers using a manufacturing repository for collecting event data that is connected to a subscriber profile system for storing information relating to subscribers and a production system for storing information relating to manufacturing, comprising:

gathering event data from a plurality of peripheral devices connected to the manufacturing repository, the event data relating to events that have occurred at the peripheral devices;

saving the event data to a database;

automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles;

selectively generating subscription reports according to criteria indicated by the subscriber profiles; and

automatically sending subscription reports to designated subscribers according to criteria indicated by the subscriber profiles.

(a) Gathering Data from a Plurality of Peripheral Devices

As was described in Applicant's last Response, Smith does not teach several of the above limitations. As a first matter, Smith does not teach "gathering event data from a plurality of peripheral devices". Instead, Smith teaches a peripheral device that independently provides information about its status to requestors. In other words, Smith anticipates no central repository for collecting event data from multiple peripheral devices. Notably, Smith does not state that Smith's peripheral device gathers event data from any other peripheral device. Claim 1 is allowable over Smith for at least this reason.

(b) Notifying and Generating Reports

Smith further does not teach "automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles" *and* "selectively generating subscription reports according to criteria indicated by the subscriber profiles". Specifically, if it is argued that Smith teaches generating and sending out reports to subscribers, Smith does not teach *separately* generating and sending out *notifications* as is required by Applicant's claim 1. Again, an art reference must teach *each and every* limitation of a claim in order to form a proper rejection under 35 U.S.C. § 102. *See W. L. Gore*, 721 F.2d 1540, 220 USPQ 303. Applicant notes again for the record that Applicant's specification clearly describes two distinct communications: (i) *notifications* that alert the subscriber to an event when information concerning the event is received (see, e.g., page 7, line 21 to page 8, line 4), and (ii) *reports* that summarize events that occurred over a given time cycle (see, e.g., page 8, lines 5-18). Smith simply does not identify both of these separate communications.

As a further point, Applicant notes that Smith does not anticipate gathering event data from a plurality of peripheral devices and notifying subscribers *about the data gathered from the plurality of devices* or sending subscription reports *about the data gathered from the plurality of devices*. Given that Smith does not anticipate collecting data from a plurality of peripheral devices, it follows that Smith's system does not provide notifications or reports that relate to the data gathered from the plurality of devices (i.e., "logged events" data). In other words, Applicant's claim must be considered as a whole. *Hartness International, Inc. v. Simplimatic Engineering Co.*, 819 F.2d 1100, 2 USPQ2d 1826 (Fed. Cir. 1987)(In determining obviousness, "the inquiry is not whether each element existed in the prior art, but whether the prior art made obvious the invention as a whole for which patentability is claimed"). Under the Examiner's analysis, each limitation of Applicant's claims is being considered independent of the other limitations. However, when Applicant's claims are considered as a whole, it becomes clear that Smith does not teach what is recited in claim 1.

(c) Responses to Advisory Action Arguments

In regard to the contention presented in the Advisory Action that "there is a message data store that acts as a central repository," Applicant notes that, in column 9, lines 50-56, Smith merely identifies a message data storage that stores messages, such as email messages, *sent to the peripheral device from a user, not from other peripheral devices*. The other limitations of claim 1 require notifying subscribers and generating reports for subscribers *based upon the gathered event data from the plurality of peripherals*. When the "gathering", "notifying", and "generating" limitations are considered together (i.e., when the claim is considered as a whole), it is clear that Smith's message data store 228 described in column 9, lines 50-56 does not

equate to Applicant's claimed "manufacturing repository" that is described as gathering "event data from a plurality of peripheral devices" for the purpose of notifying and providing reports for subscribers.

In regard to the contention presented that "what is shown in Smith could be done with a plurality of peripherals", Applicant notes that, irrespective of whether this is or is not true, Smith would still fail to anticipate gathering event data from a plurality of peripheral devices *and then* notifying subscribers and generating reports for subscribers about logged events. Specifically, if the Examiner is arguing that it is the subscriber (i.e., a human user) that "gathers" event data from multiple peripheral devices in the Smith system, it is clear that the Smith system does not *then* provide a notification or report based upon the gathered event data (i.e., the "logged events"). Again, all of Applicant's claim limitations must be considered together, not piecemeal.

Finally, in regard to the contention that Applicant is arguing features that are not recited in the claims, Applicant is not arguing that claim 1 recites a "peripheral device that gathers event data from another peripheral device". Instead, Applicant is merely stating that if the Examiner argues that Smith teaches receiving and sending messages with Smith's peripheral device, the Examiner must establish that Smith's peripheral device gathers event data from another peripheral device otherwise the messages received and sent by the peripheral device do not pertain to event data regarding a plurality of peripheral devices. Instead, Smith does not teach receiving event data from multiple peripheral devices, *and then* sending notifications/reports to subscribers that contain that event data. Instead, Smith's peripheral device only sends information to subscribers regarding its own status. No information is collected from other peripheral devices.

(d) Conclusion

Due to the distinctions described in the foregoing, Applicant respectfully asserts that Smith does not anticipate Applicant's claim 1. Therefore, Applicant respectfully requests that the rejection of that claim be withdrawn.

2. Claim 17

Applicant's claim 17 provides as follows (emphasis added):

17. A computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when executed causes a computer to:

gather event data from a plurality of peripheral devices connected to a manufacturing repository, the event data relating to events that have occurred at the peripheral devices;

save the event data to a database;

automatically notify designated subscribers about logged events according to criteria indicated by subscriber profiles;

selectively generate subscription reports according to criteria indicated by the subscriber profiles; and

automatically send the subscription report to designated subscribers according to criteria indicated by the subscriber profiles.

Smith does not teach several of the above limitations. As a first matter, Smith does not teach "codes . . . that when executed causes a computer to: gather event data from a plurality of peripheral devices", for reasons described above in relation to claim 1. Instead, Smith teaches a peripheral device that independently provides information about its own status to requestors.

Second, Smith does not teach "codes . . . that when executed causes a computer to: automatically notify designated subscribers about logged events

according to criteria indicated by subscriber profiles” *and* “codes . . . that when executed causes a computer to: selectively generate subscription reports according to criteria indicated by the subscriber profile”, for reasons described in relation to claim 1. Specifically, if it is argued that Smith teaches generating and sending out reports to subscribers, Smith does not teach *separately* generating and sending out notifications as is required by Applicant’s claim 17. Moreover, Smith does not anticipate gathering event data from a plurality of peripheral devices and automatically notifying subscribers *about the data gathered from the plurality of devices* or automatically sending subscription reports *about the data gathered from the plurality of devices*.

Due to the distinctions described in the foregoing, Applicant respectfully asserts that Smith does not anticipate Applicant’s claim 17. Therefore, Applicant respectfully requests that the rejection of that claim be withdrawn.

II. Claim Rejections - 35 U.S.C. § 103(a)

A. Rejection of Claims 1-3, 5-12, 17, 18, and 20

Claims 1-3, 5-12, 17, 18, and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ghannam, et al. (“Ghannam,” U.S. Pat. No. 6,651,062) in view of Barrett, et al. (“Barrett,” U.S. Pat. No. 5,568,612). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant’s disclosure.

In the present case, the applied references do not teach or suggest all the claim limitations. Furthermore, there is no suggestion or motivation in the art to modify the

references to arrive at Applicant's claims. Applicant discusses the references and Applicant's claims in the following.

1. The Ghannam Disclosure

Ghannam discloses a method and apparatus for managing data for use by data applications. As is described by Ghannam, the disclosed system includes a data management system 210 that receives information from one or more data sources, processes the information according to policies, and stores the information in a data warehouse. Ghannam, column 4, lines 37-40. The data warehouse can then be "accessed by applications that perform analysis with the data." Ghannam, column 4, lines 40-42. Accordingly, the Ghannam system merely collects and stores data which users can access, at their own initiative, using an appropriate "application." Example applications include SQL, ODBC, and COBRA. Ghannam, column 7, lines 42-44.

As was noted in the final Office Action, Ghannam further anticipates a graphical user interface for configuring a "network link report." Ghannam, column 27, lines 15-28. Notably, however, that interface is *not* used to configure or schedule notifications or reports that are automatically sent to subscribers. Instead, the report is manually accessed by users.

As is further described by Ghannam, the "data sources" that provide data to the data warehouse comprise "management servers, network entities or any other source of management data." Ghannam, column 6, lines 29-30.

2. The Barrett Disclosure

Barrett discloses a method and apparatus for advertising. As is described by Barrett, the method and apparatus are used to advertise two network servers from a

single network node in a LAN communication system which supports advertising only a single network server from any one node. See Abstract. Accordingly, it can be appreciated that Barrett's disclosure has little to do with a method or system for notifying or reporting peripheral device event data to subscribers.

3. Applicant's Claims

Independent claims 1 and 17 have been reproduced above, and will not be reproduced again here. Applicant discusses various limitations of those claims in the following.

(a) Gathering Event Data from a Plurality of *Peripheral Devices*

In the final Office Action, it was stated that Ghannam teaches "gathering event data from a plurality of devices connected to the manufacturing repository". Applicant notes, however, that Applicant's independent claims 1 and 17 do not merely recite gathering event data from "devices", but instead require gathering event data from "peripheral devices". Specifically, claim 1 requires "gathering event data from a plurality of peripheral devices", and claim 17 requires "codes . . . that when executed causes a computer to: gather event data from a plurality of peripheral devices".

As is identified above, Ghannam only discusses gathering data from "data sources" such as "management servers". Applicant notes that such "sources" simply do not equate to, or render obvious, peripheral devices. As is well known to persons having ordinary skill in the art, the term "peripheral device" is used to identify devices that are used *in conjunction with* computers, such as in conjunction with server computers. As defined by webopedia.com, a continually-updated online

dictionary for computer and Internet technology, the term “peripheral device” denotes:

A computer device, such as a CD-ROM drive or printer, that is not part of the essential computer, i.e., the memory and microprocessor. Peripheral devices can be external -- such as a mouse, keyboard, printer, monitor, external Zip drive or scanner -- or internal, such as a CD-ROM drive, CD-R drive or internal modem.

[www.webopedia.com, definition for “peripheral device”]

Without a teaching specific to *peripheral* devices, Ghannam fails to teach or suggest the above-described limitations.

As a further matter, Applicant notes that, as was admitted in the final Office Action, Ghannam does not teach gathering event data “relating to events that have occurred at the peripheral devices”. Due to this shortcoming of the Ghannam reference, the Examiner relies upon the teachings of Barrett. In particular, the Examiner argues that Barrett teaches the use of peripheral “status and control information” that is sent over a LAN and, therefore, it would have been obvious to send event data regarding peripheral devices in the Ghannam reference.

Applicant respectfully disagrees. A mere teaching that peripheral “status and control information” can be transmitted across a network is *not* sufficient to render obvious *gathering* event data from a plurality of peripheral devices, the event data relating to events that have occurred at the peripheral devices. Again, (i) the prior art references must teach or suggest *all* the claim limitations, and (ii) there must be some suggestion or motivation in *the prior art* to modify a reference. See MPEP § 2143. In this case, neither Ghannam nor Barrett teaches gathering event data from peripheral devices. Moreover, neither Ghannam nor Barrett provides a suggestion to modify the

Ghannam system to gather such event data. Applicant submits that the only motivation here to make the proposed modification comes from Applicant's own disclosure. As is well established in the law, such hindsight to the Applicant's own disclosure is *per se* improper. *See Crown Operations International, Ltd. v. Solutia, Inc.*, 289 F.3d 1367, 62 USPQ2d 1917 (Fed. Cir. 2002) (a determination of obviousness cannot be based on a hindsight combination of components selectively culled from the prior art to fit the parameters of the invention).

In view of the above, it is clear that neither Ghannam nor Barrett teaches or suggests "gathering event data from a plurality of peripheral devices" as is recited in claim 1, or codes that cause a computer to "gather event data from a plurality of peripheral devices" as is recited in claim 17. Each of those claims, and their dependents, are believed to be allowable over Ghannam/Barrett for at least this reason.

**(b) Automatically Notifying Subscribers about Logged
Events According to Subscriber Profile Criteria**

Neither Ghannam nor Barrett teach "automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles" as in claim 1, or codes that cause a computer to "automatically notify designated subscribers about logged events according to criteria indicated by subscriber profiles".

The Examiner argued in the final Office Action that Ghannam teaches "notifying designated subscribers according to criteria indicated by subscriber profiles." For support, the Examiner cited column 27, lines 3-10 of the Ghannam disclosure, which provides:

FIG. 14 is a representation of a graphical user interface for configuring a network link report. As discussed above, information stored from various data sources may be accessed by an application

202. For example, information may be collected from multiple network domains by multiple network management systems. This information may be consolidated or combined in data warehouse 203. Interface 1401 accepts parameters from a user to present to the user utilization statistics based on links in the network. In particular, system 203 may show a graph 1402 to an administrator to show the percent utilization for links of systems based on a specified time period. Also, the graph 1402 may be based on the number of bytes, packets, or other parameter used to show capacity of a communication link.

Although this excerpt from the Ghannam disclosure describes using “parameters from a user to present to the user utilization statistics,” the excerpt does not concern Ghannam’s invention, i.e., the data management system 210 that collects data from the various data sources. Instead, the excerpt describes operation of a separate “application” 202 that a user can use to parse through the data that is collected by the data management system 210. In other words, Ghannam’s data management system 210 does not, as is suggested in the Office Action, *notify* designated subscribers according to criteria indicated by *subscriber profiles*.

Instead of using such subscriber profiles, Ghannam’s data management system 210 only collates the collected data according to “policies” that are established by an appropriate user, such as a system administrator. As is described by Ghannam:

... data management system 210 receives information from one or more data sources, processes the information according to policies, and stores the information in a data warehouse. The data warehouse can be accessed by applications that perform analysis with the data.

[Ghannam, column 4, lines 37-42]

Accordingly, Ghannam’s system does not “notify” “subscribers” based upon their individual “subscriber profiles”. Instead, Ghannam’s system merely collects

information, and leaves it to the various users to manually execute an appropriate “application” to access the pieces of information about which the user is interested.

Despite arguing that Ghannam teaches notifying subscribers according to their profiles, the Examiner admitted in the final Office Action that Ghannam does not teach “automatically notifying subscribers about logged events”. Applicant agrees. Again, the Ghannam system enables users to, upon their own initiative, access the data collected by Ghannam’s data management system using an appropriate “application”. Because of Ghannam’s shortcomings in this regard, the Examiner ostensibly relies upon the teachings of Barrett. Unfortunately, the final Office Action fails to explain *how* Barrett teaches or suggests automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles (the Examiner only states that Barrett “teaches a method and apparatus for advertising services of two network servers from a single network node”).

Applicant submits that Barrett does *not* teach automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles. Specifically, although column 14, lines 12-51 of the Barrett reference describe various information being provided over a network, that portion of the Barrett reference simply does not describe any “automatic notification” as to events, or sending of such an automatic notification according to “criteria indicated by subscriber profiles”. Indeed, the Barrett disclosure is silent as to subscriber profiles. Regardless, because of the admission that Ghannam fails to teach such automatic notification and the omission of an explanation as to how Barrett teaches or suggests such automatic notification, the Examiner has failed to state *prima facie* case of obviousness. This constitutes reversible error.

In view of the above, it is clear that neither Ghannam nor Barrett teaches or suggests “automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles” as is recited in claim 1, or codes that cause a computer to “automatically notify designated subscribers about logged events according to criteria indicated by subscriber profiles” as is recited in claim 17. Each of those claims, and their dependents, are believed to be allowable over Ghannam/Barrett for at least this reason.

**(c) Automatically Sending Subscription Reports
According to Subscriber Profile Criteria**

Applicant asserts that neither Ghannam nor Barrett teach “automatically sending subscription reports to designated subscribers according to criteria indicated by the subscriber profiles” as in claim 1, or codes that cause a computer to “automatically send the subscription report to designated subscribers according to criteria indicated by the subscriber profiles” as in claim 17.

In the final Office Action, the Examiner admitted that Ghannam does not teach automatically sending subscription reports to designated subscribers according to criteria indicated by the subscriber profiles. Applicant agrees. As is mentioned above, Ghannam’s data management system simply collects data that can be accessed by users with an appropriate “application”. Hence, nothing is “automatically sent” to a subscriber. Furthermore, given that Ghannam’s data management system 210 only collates collected data according to “policies” that are established by a system administrator, it follows that Ghannam does not teach automatically sending subscription reports to designated subscribers “according to criteria indicated by the subscriber profiles”.

Because of those shortcomings of the Barrett reference, the Examiner ostensibly relies on the Barrett reference. Again, however, no explanation is provided by the Examiner as to *how* Barrett teaches or suggests automatically sending subscription reports to designated subscribers according to criteria indicated by the subscriber profiles. Accordingly, the Examiner has failed to state a *prima facie* case of obviousness.

Applicant asserts that Barrett does *not* teach automatically sending subscription reports to designated subscribers according to criteria indicated by the subscriber profiles. Although column 17, lines 15-20 of the Barrett reference mentions “autologging” status information from a printer to a LAN, this action does not equate to automatically sending “subscription reports” to designated subscribers according to “criteria indicated by the subscriber profiles”. Again, Barrett does not anticipate sending information to subscribers based on any subscriber profiles. As a further matter, Applicant notes that the status information described by Barrett is automatically sent from a *printer* to the *LAN*. Barrett says nothing of automatically sending event data from a *central repository* to *subscribers*.

(d) Responses to Advisory Action Arguments

In the Advisory Action, the Examiner states that “one cannot show nonobviousness by attacking references individually”. While Applicant agrees with this restatement of the law, Applicant notes that Applicant is not attacking the references individually. Applicant is instead responding to the Examiner’s arguments. For example, if the Examiner asserts that Reference X teaches “Y,” and Applicant argues to the contrary, Applicant is not “attacking the reference” but instead is refuting the Examiner’s argument.

Regarding the Examiner's identification of Barrett's column 17, lines 15-20, Applicant reiterates that Barrett's mere identification of "autologging" information from a printer to a LAN does not equate to automatically notifying designated *subscribers* about logged events *according to criteria indicated by subscriber profiles*.

Finally, in regard to the unsupported assertion that "[t]he use of subscription reports and subscriber profiles is shown in Ghannam," Applicant disagrees and requests that the Examiner identify the specific column and line numbers of the Ghannam reference in which Ghannam provides such a teaching.

(e) Conclusion

In summary, it is Applicant's position that a *prima facie* for obviousness has not been made against Applicant's claims. Therefore, it is respectfully submitted that each of these claims is patentable over Ghannam and Barrett and that the rejection of these claims should be withdrawn.

B. Rejection of Claims 13-16 and 19

Claims 13-16 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ghannam and Barrett in view of Bowman-Amuah (U.S. Pat. No. 6,571,282). Applicant respectfully traverses this rejection.

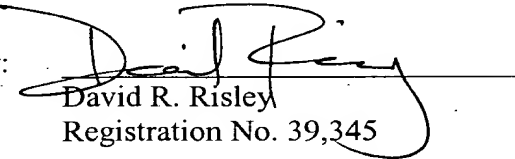
As is identified above in reference to independent claims 1 and 17, Ghannam and Barrett fail to account for several of Applicant's explicit claim limitations. In that Bowman-Amuah does not remedy the deficiency of the Ghannam and Barrett references, Applicant respectfully submits that claims 13-16 and 19 are allowable over the Ghannam/Barrett/Bowman-Amuah combination for at least the same reasons that claims 1 and 20 are allowable over Ghannam/Barrett.

VII. Conclusion

In summary, it is Applicant's position that Applicant's claims are patentable over the applied prior art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

By:


David R. Risley
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Marianne Boland
Signature



Claims Appendix under 37 C.F.R. § 41.37(c)(1)(viii)

The following are the claims that are involved in this Appeal.

1. A method for reporting event data to requesting subscribers using a manufacturing repository for collecting event data that is connected to a subscriber profile system for storing information relating to subscribers and a production system for storing information relating to manufacturing, comprising:

gathering event data from a plurality of peripheral devices connected to the manufacturing repository, the event data relating to events that have occurred at the peripheral devices;

saving the event data to a database;

automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles;

selectively generating subscription reports according to criteria indicated by the subscriber profiles; and

automatically sending subscription reports to designated subscribers according to criteria indicated by the subscriber profiles.

2. The method according to claim 1 wherein the event data comprises information relating to any one from the group of region, manufacture, model or customer identification.

3. The method according to claim 1 wherein the subscription report comprises information in the form of text, tables, charts and/or graphs.

4. (Canceled)
5. The method according to claim 1 further comprising:
receiving a request to set up or change a subscriber profile;
receiving new subscriber information and entering it to a subscriber profile;
and
saving the new subscriber profile to the manufacturing repository.
6. The method according to claim 5 wherein entering new subscriber information comprises:
entering contact information of the subscriber;
entering subscriber's desired notification request;
entering subscription report criteria; and
entering designated time cycle for subscription report.
7. The method according to claim 6 wherein the time cycle includes any one from the group of none, daily, weekly, monthly, quarterly or yearly.
8. The method according to claim 5 further comprising, prior to saving the new subscriber profile, receiving the new subscriber profile by the manufacturing repository.
9. The method according to claim 1 further comprising, prior to gathering event data: receiving the event data by the manufacturing repository.

10. The method according to claim 1 wherein automatically notifying designated subscribers comprises:

searching the subscriber profile for notification requests for the event data according to the requested criteria;

determining whether there are any notification requests for the event data;

composing notifications for each notification request determined in the subscriber profile; and

sending out the notifications to the requesting subscriber.

11. The method according to claim 10 further comprising idling until the manufacturing repository receives the event data.

12. The method according to claim 10 wherein the requested criteria includes any one from the group of event occurrence by page count, event occurrence by region, event occurrence by manufacturing information, event occurrence by device model, or event occurrence by customer.

13. The method according to claim 1 wherein generating subscription reports comprises:

searching the subscriber profile for any scheduled subscription report due;

determining whether there is any scheduled subscription report due; and

accessing information relating to the subscriber of any predetermined scheduled subscription report due.

14. The method according to claim 13 further comprising updating information from the subscriber profile.

15. The method according to claim 13 further comprising:
accessing the information relating to the manufacturing repository from the production system; and
updating information from the production system.

16. The method according to claim 13 further comprising:
sorting the information for the scheduled subscription report according to the criteria of the requesting subscriber profile; and
formatting the information to generate the report.

17. A computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when executed causes a computer to:

gather event data from a plurality of peripheral devices connected to a manufacturing repository, the event data relating to events that have occurred at the peripheral devices;

save the event data to a database;

automatically notify designated subscribers about logged events according to criteria indicated by subscriber profiles;

selectively generate subscription reports according to criteria indicated by the subscriber profiles; and

automatically send the subscription report to designated subscribers according to criteria indicated by the subscriber profiles.

18. The product according to claim 17 wherein automatically notifying designated subscribers comprises:

searching the subscriber profile for notification requests for the event data according to the requested criteria;

determining whether there are any notification requests for the event data;

composing notifications for each notification request determined in the subscriber profile; and

sending out the notifications to the requesting subscriber.

19. The product according to claim 17 wherein generating subscription reports comprises:

searching the subscriber profile for any scheduled subscription report due;

determining whether there is any scheduled subscription report due; and

accessing information relating to the subscriber of any predetermined scheduled subscription report due.

20. The method according to claim 1, wherein the event data comprises one or more of paper jams, low memory conditions, and undefined paper size conditions.

Evidence Appendix under 37 C.F.R. §41.37(c)(1)(ix)

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

Related Proceedings Appendix under 37 C.F.R. §41.37(c)(1)(x)

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.